

Possession—Writs of.

1890, ch. 635.

88. Whenever any lands or tenements shall be sold by any sheriff, constable, coroner or elisor, by virtue of any process or execution from any court or justice of the peace of this State, or by any trustee under decree of any court of this State, by any trustee by appointment of any insolvent court, by any trustee under any voluntary deed of trust, by any mortgagee under any power in any mortgage, by any executor or executors or any other person under any power in a will, and the debtor named in such execution or decree, the insolvent grantor or mortgagor in said deed of trust or mortgage, or any person holding under said debtor, insolvent grantor or mortgagor by title subsequent to the date of the judgment decree, insolvent proceedings, deed of trust or mortgage respectively, or any person claiming under the devisor of said will shall be in actual possession of the lands and tenements sold and shall fail or refuse to deliver possession of the same to the purchaser thereof, excepting, however, case of tenancies created in the lifetime of the devisor which shall be fulfilled as now allowed by law, the judge of the circuit court for the county in which said lands or tenements may be situate, or if situate in the city of Baltimore, the judge of the Circuit Court, the Superior Court, the Court of Common Pleas or the Baltimore City Court shall on application in writing to be verified by the affidavit of the purchaser or his attorney, unless good cause to the contrary be shown by the party in actual possession as aforesaid, his agents or attorneys or other persons concerned, within not less than fifteen days or more than thirty days from the filing of such application as aforesaid, issue a writ in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had in said process, thereby commanding the sheriff of the county, coroner or elisor to deliver possession of the said lands and tenements to the purchaser thereof, and in cases of sales made by virtue of power contained in wills, the judge shall grant such writs if it appear on such application that the contract of tenancy entered into between the devisor and tenant in possession has expired, and in cases where the purchaser has entered into an agreement with the person in actual possession of such lands and tenements at the